

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RENARD POLK,

Plaintiff,

vs.

KELLY BELANGER, *et al.*,

Defendants.

3:14-CV-0073-MMD (VPC)

ORDER

In this civil rights action, brought *pro se* by prisoner Renard Polk, the plaintiff has filed a motion to disqualify and/or sanction U.S. Magistrate Judge (#51), requesting that the undersigned recuse herself from the case. Plaintiff points to the court's minute order (#45) as the basis for the request for recusal.

Recusal is governed by 28 U.S.C. §§ 144 and 455. Under section 144, a party seeking recusal must set forth, in an affidavit, facts and reasons for the belief that bias or prejudice exists. *See* 28 U.S.C. § 144. The standard for recusal under sections 144 and 455 is "whether a reasonable person with knowledge of all the facts would conclude that the judge's impartiality might reasonably be questioned." *United States v. Studley*, 783 F.2d 934, 939 (9th Cir. 1986). The alleged prejudice must result from an extrajudicial source; a judge's prior adverse ruling is not sufficient cause for

Dated: June 24, 2015.

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